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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,999	05/03/2006	Takashi Fujita	062489	3693
38834	7590	11/16/2009	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			HENN, TIMOTHY J	
1250 CONNECTICUT AVENUE, NW				
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2622	
			NOTIFICATION DATE	DELIVERY MODE
			11/16/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary	Application No.	Applicant(s)	
	10/577,999	FUJITA, TAKASHI	
	Examiner	Art Unit	
	Timothy J. Henn	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 July 2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-4 is/are allowed.
 6) Claim(s) 5-8 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 January 2009 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____. 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 July 2009 has been entered.

Response to Arguments

2. Applicant's arguments see response, filed 31 July 2009, with respect to claims 1-4 have been fully considered and are persuasive. The rejection of claims 1-4 has been withdrawn.

3. Applicant's arguments filed 31 July 2009 with respect to claims 5-8 have been fully considered but they are not persuasive.

4. With respect to claims 5 and 7 Applicant argues that the examiner is erroneously merging the functions of the second and third processors. The examiner disagrees. Asada discloses a system which determines when to output a control signal (Figure 1, Item 6; i.e. "a second processor unit for changing a setting state of the first controller unit between an active state and an inactive state"; note that the second processing unit is only required to set the state and is not required to make any other changes), according to this signal, the output is attenuated to ensure that the sound picked up by

the microphone is not misrecognized as a command (Figure 1, Abstract; i.e. "a third processor unit for changing a detection characteristic of said sensor unit according to the setting state of the sound effect output unit"). Note that the generation of the signal and the changing of the characteristic are performed by two separate units.

5. Applicant further argues that the applied art does not change a detection characteristic or teach an "active" state and an "inactive" state as claimed. However, the claims as written do not explicitly state how the characteristic is changed, or what is considered to be an "active state" and "inactive state", the system of Asada is believed to read on the claim limitations as written since an attenuation may be considered a change in a "characteristic" and since the sound is prevented from being misrecognized by the attenuation, the output may be considered "inactive" as claimed. It is noted that differentiating between "active" and "inactive" is not necessarily the same as "on" and "off", but may be differentiated based on a level of activity. In Asada, when the output is not attenuated it is at a high level (i.e. "active") and when the signal is attenuated it is at a low level (i.e. "inactive"). While Asada does not disclose completely terminating the output signal, the claims as written do not require that the output signal change from an "on" state (e.g. a state where the signal is output) to an "off" state (e.g. a state where the signal is not output) as Applicant appears to be arguing. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, Applicant's arguments with respect to claims 5 and 7 are not considered persuasive.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino (US 2004/0044428) in view of Asada (JP 02-146660).

[claim 5]

Regarding claim 5, Yoshino discloses an electronic apparatus comprising: a first detection means for detecting a sound (Figure 1, Item 72); a second detection means for detecting a key operation (Figure 1, Item 50 and 62/64); a second process means for executing a process corresponding to output from the second detection means (Figure 1, Item 50; Paragraphs 0003-0004; Figure 4) and a sound effect output means for outputting a sound effect in response to a key operation (Figures 1 and 4; Paragraphs 0003-0004). However, Yoshino does not disclose a first process means and restricting means as claimed.

Asada discloses the use of voice commands to control a device, and a restricting means which restricts the processing for detection of a voice command by attenuating the microphone input when sound effects are played back. Such operation prevents the sound effects from being misrecognized as a command (Abstract). Therefore, it would be obvious to include a voice command and voice command restriction system as

taught by Asada to provide a second interface for controlling the electronic apparatus of Yoshino and to prevent sound effects such as the recorded shutter sound from being misrecognized as a command. Note that Asada discloses outputting an active/inactive control signal and changing a detection characteristic based on the signal when a sound effect is output (Figure 1; Abstract).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino (US 2004/0044428) in view of Asada (JP 02-146660) in view of Kuriyama (JP 09-149157).

[claim 6]

Regarding claim 6, Yoshino in view of Asada discloses an electronic apparatus, but does not disclose changing a frequency characteristic of the detection means. Kuriyama discloses a system which subtracts sound effect noise from a microphone input to ensure that the sound effect noise does not effect the recorded sound (Abstract; it is noted that subtracting a specified signal would alter the frequency characteristic of the detection). Therefore it would be obvious to subtract the sound effect noise from the input signal of Yoshino in view of Asada to ensure that the sound effect noise does not cause an unwanted voice command signal. It is noted that such an operation would provide an additional layer of protection to the system of Yoshino in view of Asada.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino (US 2004/0044428) in view of Asada (JP 02-146660) in view of Nakada (JP

[claim 7]

Regarding claim 7, Yoshino discloses an electronic apparatus comprising: a first detection means for detecting a sound (Figure 1, Item 72); a second detection means for detecting a key operation (Figure 1, Item 50 and 62/64); and a second process means for executing a process corresponding to output from the second detection means (Figure 1, Item 50; Paragraphs 0003-0004; Figure 4). However, Yoshino does not disclose a first process means and restricting means as claimed.

Asada discloses the use of voice commands to control a device, and a restricting means which restricts the processing for detection of a voice command by attenuating the microphone input when sound effects are played back. Such operation prevents the sound effects from being misrecognized as a command (Abstract). Therefore, it would be obvious to include a voice command and voice command restriction system as taught by Asada to provide a second interface for controlling the electronic apparatus of Yoshino and to prevent sound effects such as the recorded shutter sound from being misrecognized as a command.

Nakada further discloses that speech recognition precision can be improved by altering the frequency characteristic of an output sound in the 100 to 5 kHz range (Abstract). Therefore, it would be obvious to alter the frequency characteristic of an output signal to further prevent an unwanted voice command from being recognized. It is noted that such an operation would provide an additional layer of protection to the system of Yoshino in view of Asada.

[claim 8]

Regarding claim 8, Nakada discloses changing a frequency characteristic of the sound effect (Abstract).

Allowable Subject Matter

10. Claims 1-4 are allowed.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/
Primary Examiner, Art Unit 2622